

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ALEXANDRO ALVARADO-YOUNG  
and ANGELA ALVARADO-YOUNG,

Plaintiff,

v.

STATE OF WASHINGTON, ET AL,

Defendant.

CASE NO. C15-5883RBL

ORDER

THIS MATTER is before the Court on Defendants' Motion for Summary Judgment [Dkt. #54]. The Court has reviewed the materials for and against this motion and based on the following explanation hereby DENIES the motion as to all claims except the *Monell* claim.

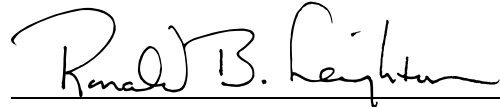
Some cases are not meant to be dealt with summarily. This is one of those cases. The Court is presented by two completely plausible stories and yet, in every way, one completely negates the other.

Plaintiff's story, if believed could sustain a verdict of liability on all claims except the *Monell* claim. Finding facts and deciding credibility is not within the Court's purview in a summary judgment motion.

1 Trial is scheduled for January 16, 2018, instead of the January 8, 2018 date. Jury  
2 selection will start at 9:00 a.m. The parties should deliver their trial briefs, if necessary, jury  
3 instructions and proposed voir dire questions by January 3, 2018.

4 The motion is **DENIED** as to all claims except for the *Monell* claim.

5 Dated this 19<sup>th</sup> day of December, 2017.

6   
7

8 Ronald B. Leighton  
9 United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24